

**DAKOTA ACCESS, LLC**  
**APPLICATION FOR CERTIFICATE IN GOOD STANDING**

**EXHIBIT H**  
**Preliminary List of Required**  
**Environmental Permits and Approvals**

**Dakota Access, LLC**  
**Exhibit H – Preliminary List of Required Environmental Permits and Approvals**

Permit / Approval	Agency	Comments	Status
<b>Federal</b>			
Section 404 Permit (Nationwide Permit #12)	U.S. Army Corps of Engineers (USACE)	Project crosses both the Rock Island and St. Louis Districts.	Initial agency consultations conducted in Fall 2014 and takes place monthly with the districts across the DAPL project. Anticipate submitting Preconstruction Notifications and applications in December 2014.
Section 408 Permit		Required for impacts to and near federal facilities such as levees.	
Section 10 of the Rivers and Harbors Act		Required for crossing navigable waters; all h=navigable waters in IL will be crossed via horizontal directional drill.	
Section 106 of the National Historic Preservation Agency		The USACE is obligated to comply with Section 106 of the NHPA for all its undertakings. If an adverse effect will occur to a historic property, additional consultation may be needed to address the adverse effects through avoidance or mitigation measures formalized under the terms of a memorandum of agreement.	Initial agency consultations with USACE and the Illinois Historic Preservation Agency conducted in Fall 2014. Section 106 review will be conducted concurrent to the Section 404 permit review by USACE.
Section 7 of the Endangered Species Act (ESA)	U.S. Fish and Wildlife Service *USFWS)	Compliance with Section 7 of the ESA is a condition for issuance of a USACE permit. USFWS will review the project to determine if there are potential adverse effects to federally listed species.	Initial agency consultation with USFWS was conducted in Summer 2014. Habitat assessments conducted in fall of 2014. Will continue consultations with USFWS. A complete of federally listed species and anticipated impacts is anticipated to be submitted for USFWS review in January 2015.

**Dakota Access, LLC**  
**Exhibit H – Preliminary List of Required Environmental Permits and Approvals**

Permit / Approval	Agency	Comments	Status
<b>State</b>			
Certificate of Public Convenience and Necessity	Illinois Commerce Commission (ICC)	Application Pursuant to the Public Utilities Act and the Common Carrier by Pipeline Law to Construct and Operate a Petroleum Pipeline	Application filed herewith.
Floodway Permit, Statewide Permit No. 8 – Underground Pipeline and Utility Crossings	Illinois Department of Natural Resources (IDNR)	The “Statewide Permit No. 8 for Underground Pipeline and Utility Crossings” has been issued to pipeline projects that meet certain conditions. No application is required if conditions are met.	Will continue to confirm ability of project to meet permit conditions. An application will be submitted if necessary, but none is anticipated at this time.
Illinois Endangered Species Protection Act.		Potential impacts to threatened and endangered species will be identified through use of the State's “Ecological Compliance Assessment Tool” (EcoCAT).	Initial agency consultations and EcoCAT submission were conducted in Summer and have continued to current. Habitat assessments were conducted in Fall 2014 and will continue as necessary. Will continue to consult with IL DNR as necessary.
Section 401 Water Quality Certification	Illinois Environmental Protection Agency (IEPA)	The IEPA has issued Section 401 certifications for some of the Nationwide Permits, including NWP 12.	No separate application anticipated.
Hydrostatic Discharge Permit		Permit for hydrostatic test water discharges into regulated waters.	No discharges to regulated waters are anticipated.
Agricultural Impact Mitigation Agreement	Illinois Department of Agriculture	Agreement between the Illinois Department of Agriculture and Energy Transfer Company.	Initial agency consultation with the Illinois Department of Agriculture in Fall 2014. Will continue to coordinate throughout development of an agreement.
Illinois State Agency Historic Resources Preservation Act	Illinois Historic Preservation Agency (IHPA)	Consultation for cultural resources and historic structures for project the jurisdiction of a state agency or licensed or assisted by a state agency.	Initial agency consultation with IHPA in Summer 2014. Respective surveys are underway and will continue as required in 2015. Will continue to consult with IHPA. Report anticipated to be filed in Spring 2015.